

## Message Text

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ACTION EA-10

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TO SECSTATE WASHDC IMMEDIATE 8956

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C O N F I D E N T I A L SEOUL 1850

E.O. 11652: XGDS-2

TAGS: PINT, KS

SUBJECT: DRP'S PAK CHUN-KYU AND NDP'S COMMENT ON NEW SLANDER LAW

REF: SEOUL 1809

SUMMARY: PAK CHUN-KYU MAINTAINS NEW SLANDER LAW IS DESIGNED ONLY AS DETERRENT TO INHIBIT POLITICIANS FROM DEFAMING PRESIDENT AND ROKG CONSTITUTIONAL ORGANS ABROAD AND TO FOREIGN NEWSMEN AT HOME. HE SAID LAW WAS INSTIGATED BY "HIGHER AUTHORITY", THAT IT CANNOT EASILY BE ENFORCED, AND THAT IT IS ASSURED IMMEDIATE PASSAGE. AT SAME TIME NDP AND OTHER OPPOSITION ELEMENTS HAVE VOICED SERIOUS CONCERN TO EMBASSY OFFICERS OVER BILL AND SOME BELIEVE IT WILL RAISE TENSIONS FURTHER BETWEEN GOVERNMENT AND OPPOSITION. END SUMMARY.

1. PAK CHUN-KYU, DRP POLICY COMMITTEE CHAIRMAN WHO INTRODUCED NEW SLANDER LAW (REF), TOLD CHARGE THAT IMPETUS FOR NEW LAW HAD COME FROM HIGHER ECHELONS, SUGGESTING STRONGLY IT WAS PRESIDENT PARK HIMSELF. PAK ASSERTED, HOWEVER, THAT KOREA NEEDS SUCH LAW, WHICH NOT DISSIMILAR TO MEASURES IN EFFECT IN OTHER COUNTRIES. HE ALSO NOTED THAT LAW HAD BEEN UNDER STUDY  
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FOR THIRTY DAYS. (THIS PLACES ITS INCEPTION AT APPROXI-

MATELY SAME TIME AS REFERENDUM AND RELEASE OF EMERGENCY MEASURES PRISONERS IN MID-FEBRUARY, WITH ACCOMPANYING WELL PUBLICIZED CHARGES OVERSEAS OF VOTING IRREGULARITIES AND TORTURE OF PRISONERS.)

2. PAK EXPLAINED THAT AS A RESULT OF ADVERSE CRITICISM LAST YEAR TO USE OF EXTRAORDINARY PRESIDENTIAL POWERS TO PROMULGATE EMERGENCY MEASURES, DRP LEADERS HAD ASKED THAT FUTURE MEASURES OF THIS NATURE BE LEGISLATED BY NATIONAL ASSEMBLY THROUGH DRP CHANNELS. ALTHOUGH BLUE HOUSE AGREED, PAK STATED THAT BLUE HOUSE HAD RETURNED FIRST DRAFT OF LAW, WHICH CALLED FOR ONLY SIX MONTHS IMPRISONMENT FOR LAW VIOLATION, AS BEING TOO SOFT.

3. PAK INSISTED THAT LAW WAS MERELY TO BE USED AS DETERRENT, TO INHIBIT POLITICIANS LIKE KIM TAE-CHUNG AND KIM YONG-SAM FROM SLANDERING PRESIDENT AND ROKG CONSTITUTIONAL ORGANIZATIONS ABROAD. (HE NOTED PARENTHETICALLY THAT WHILE FORMER "TOO SMART" TO BE CAUGHT BY LAW, LATTER MIGHT WELL BE TRIPPED UP BY IT). LAW ALSO WOULD BE USED TO INHIBIT ANY KOREAN POLITICIAN AT HOME FROM FALSELY CRITICIZING ROKG TO FOREIGN JOURNALISTS, PARTICULARLY JAPANESE NEWSMEN. IN ANY CASE, LAW WOULD BE RELEGATED "TO SHELF" AS IT WOULD OBVIOUSLY BE DIFFICULT TO ENFORCE.

4. DURING CONVERSATION WITH CHARGE, PAK RECEIVED TELEPHONE CALL WHICH HE SAID WAS FROM BLUE HOUSE SECRETARY. CALLER ALLEGEDLY ASKED PAK TO CONFIRM THAT LEGISLATION WOULD NOT MAKE FOREIGN NATIONALS SUBJECT TO ITS PENALTIES. PAK INDICATED TO CHARGE THAT HE WOULD HAVE TO SEEK LEGAL ADVICE ON THIS POINT.

5. PAK WAS CONFIDENT THAT LAW WOULD BE PASSED ON MARCH 19, "IN A TEA ROOM THAT WOULD HOLD 200 STANDEES" IF NECESSARY. NDP, WHICH HAS BEEN TRYING TO PREVENT LAW'S PASSAGE (SEPTEL) WOULD NOT HAVE TO BE NOTIFIED OF LOCATION.

6. CHARGE EXPRESSED HIS CONCERN ABOUT ADVERSE US PRESS AND CONGRESSIONAL REACTION TO HUMAN RIGHTS ASPECTS OF LAW, NOTING THAT MANY AMERICANS WOULD INEVITABLY SEE CONFIDENTIAL

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IT AS ANOTHER SERIOUS INFRINGEMENT ON PRESS AND PERSONAL LIBERTIES. HE ALSO POINTED OUT DANGER THAT ENFORCERS OF SUCH LAW MIGHT BE MORE ZEALOUS IN ITS INFORCEMENT THAN DRAFTERS HAD ORIGINALLY INTENDED, AND THAT MANY KOREANS MIGHT BE INHIBITED IN EXPRESSING THEIR VIEWPOINTS TO FRIENDLY FOREIGN EMBASSIES AS WELL AS FOREIGN LEGISLATORS SEEKING BALANCED VIEW OF ROK POLITICAL SITUATION.

7. IN SEPARATE LUNCHEON CONVERSATION NDP ASSEMBLYMAN O SE-UNG TOLD EMBOFF THAT CONSENSUS AT NDP CAUCUS MORNING MARCH 19 WAS THAT ANTI-SLANDER BILL WAS JUST AS SERIOUS A MATTER AS EMERGENCY MEASURES PROMULGATED YEAR AGO. WHILE THEY WOULD DO THEIR BEST, THERE WAS NO WAY NDP MEMBERS COULD STOP PASSAGE O THOUGHT BILL WAS PRIMARILY AIMED AT NDP LEADERS WHEN THEY TRAVELED ABROAD AND MORE RADICAL LOCAL OPPOSITION ELEMENTS WHO SPOKE TO PRESS, BUT NOTED THAT BILL'S PROVISIONS WERE SO BROAD IT COULD BE USED AGAINST ALMOST ANY KOREAN WITH FOREIGN CONTACTS. SPECIFICALLY, HE THOUGHT LAW WOULD SHARPLY INHIBIT FREEDOM OF KOREAN PRESS, WHICH WOULD BE SUBJECT TO PROSECUTION OF ITS ANTI-GOVERNMENT STORIES WERE PICKED UP BY FOREIGN PRESS. O EMPHASIZED THAT GOVERNMENT HAD TAKEN LEGISLATIVE ROUTE BECAUSE NEW PRESIDENTIAL EMERGENCY DECREES AT THIS TIME WOULD BE POLITICALLY "TOO EXPLOSIVE." HE AND HIS NDP COLLEAGUES, HE SAID, READ NEW LEGISLATION AS SUBSTANTIAL REHARDENING OF GOVERNMENT'S APPROACH TO OPPOSITION, WHICH WAS BOUND TO LEAD TO HEIGHTENING OF CONFRONTATION AND TENSION.

8. OTHER OPPOSITION REACTION TO NEW LAW HAS BEEN ONE OF DISMAY. NDP CHAIRMAN KIM YONG-SAM DECLARED AT MARCH 18 PRESS CONFERENCE THAT "WHATEVER HAPPENS, WE WILL CONSIDER LAW INVALID." YI TAEK-TON, NDP SPOKESMAN TOLD EMB LOCAL THAT "IF THIS LAW IS PASSED, WE WON'T EVEN BE ABLE TO TALK TO THE AMERICAN AMBASSADOR." GOVT OFFICIAL COMMENTED THAT KOREA NOW HAS ITS OWN "GENERAL AMIN"; SEC GENERAL OF NATIONAL COUNCIL OF CHURCHES TOLD EMBOFF THAT NCCC-K WOULD HOLD MEETING MARCH 26 TO EXPRESS ITS CONCERN BY POINTING OUT TO GOVT DAMAGE THIS LAW WOULD DO TO KOREA'S IMAGE ABROAD. HE STRESSED POTENTIALLY SERIOUS IMPACT

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ON CHURCHES, EVEN THOUGH HE HAD RECEIVED PRIVATE ASSURANCES FROM DRP SOURCE THAT BILL WAS AIMED ONLY AT IRRESPONSIBLE NDP LEADERS AND THAT LAW WOULD NOT BE USED AGAINST RELIGIOUS COMMUNITY.

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